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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,841	10/13/2000	James R. Lavoie	05954.0063-00000	6663
22852	7590	02/07/2006	EXAMINER	
			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/689,841	LAVOIE ET AL.	
	Examiner Kim T. Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 November 2005.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7,22,29,31-33 and 35 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7,22,29,31-33 and 35 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

Examiner acknowledges receipt of the amendment on 11/22/05. According to the amendment, claims 8-21, 23-28, 30, 34 and 36 have been canceled, and claims 1-7, 22, 29, 31-33 and 35 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-7, 22, 29, 31-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al (US. 5,871,398) in view of Yacenda (US, 2001/0003100) and Strachan (US. 6,347,086).**

As per claim 1 and 6-7, Schneier discloses a gaming method comprising receiving at a server a purchase request before the game play (col. 5, lines 56-67 and col. 6, lines 1-7); determining and storing the results of the game before the play has begun (col. 9, lines 35-39 and 57-67; and col. 10, lines 1-4). Schneier does not explicitly disclose adjusting an account of the player based on the results of the game before the play has begun, receiving a request from a second terminal to reveal the results of the game and sending the results to the second terminal. However, Yacenda discloses updating the player accounts responsive to the requests for a game and winning results based on the outcomes predetermined before the game has begun

(paragraphs 0014 and 0016); and Strachan discloses sending the results of the game to players according to the players' requests (col. 9, lines 41-43). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to adjust the account of the player based on the results of the game in the game in the game of Schneier as taught by Yacenda; and to send the results of the game to a second terminal in the game of Scheiner as taught by Strachan in order to allow the player to monitor his current account's balance and to allow other players to view the game processed.

As per claim 2, Schneier discloses receiving a purchase amount (col. 9, line 67; and col. 10, lines 1-4).

As per claim 3-4, Schneier discloses including a purchase amount of "m" tickets and a denomination value represented through different price points (col. 17, lines 1-9).

As per claim 5, Schneier discloses including a plurality of agent terminals located on-site at retailers/merchants (col. 6, lines 5-7).

As per claim 22, 29, 31-33 and 35, refer to discussion in claim 1 above.

#### ***Response to Arguments***

3. Applicant's arguments on 11/22/05 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 703-872-9306.

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Date: February 3, 2006



Kim T Nguyen  
Primary Examiner  
Art Unit 3713